

**Draft
Environmental Assessment**

**Marias River Wildlife Management Area
Land Exchange**



August 2014



***Montana Fish,
Wildlife & Parks***

Draft Environmental Assessment CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of proposed state action:

Montana Fish, Wildlife and Parks (FWP) proposes to exchange approximately 35.9 acres of the Marias River Wildlife Management Area (MRWMA) to the Marias River Bird Preserve (Preserve), LLC, who is the adjacent landowner on the southwest boundary of the WMA, for 1) approximately 76.7 acres the Preserve owns along that boundary, 2) extend an existing access agreement to FWP, and 3) grant administrative access across their property to the southern portion of the WMA via that existing access agreement. No monetary exchange would occur as part of this proposal. Locally, the project area is known as Willow Rounds.

The proposed exchange would address the current access challenges both landowners have because their lands are not contiguous. The access challenges are the following:

- The Preserve currently has an access easement with another neighboring landowner to access their property from the west as the existing county road does not extend to their property. However, access to the largest portion of Preserve's property is most direct by crossing a portion of the MRWMA known as the Black Bank. FWP has allowed the Preserve's staff to cross the MRWMA to access this portion of their property without restriction. The Preserve's owners wish to further develop their property; however lack of secure access beyond the end of the county road precludes that from moving forward.
- Currently, FWP does not have access to this portion of the MRWMA south of the Marias River. Lack of access prevents needed management activities including weed control measures and construction and maintenance of boundary fencing. The Preserve has allowed neighborly administrative access across their land on an as needed basis to this portion of the WMA. However, no formal agreement exists allowing FWP to cross neither Preserve's nor another adjacent landowner's property.

2. Agency authority for the proposed action:

FWP has the authority under state law (§ 87-1-201, Montana Code Annotated (MCA)) to protect, enhance, and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future, and to acquire land for this purpose (§ 87-1- 209 MCA).

3. Name, address and phone number of project sponsor, if other than the agency:
None

4. Anticipated Schedule:

Public Comment Period: August 7, 2014 – September 5, 2014

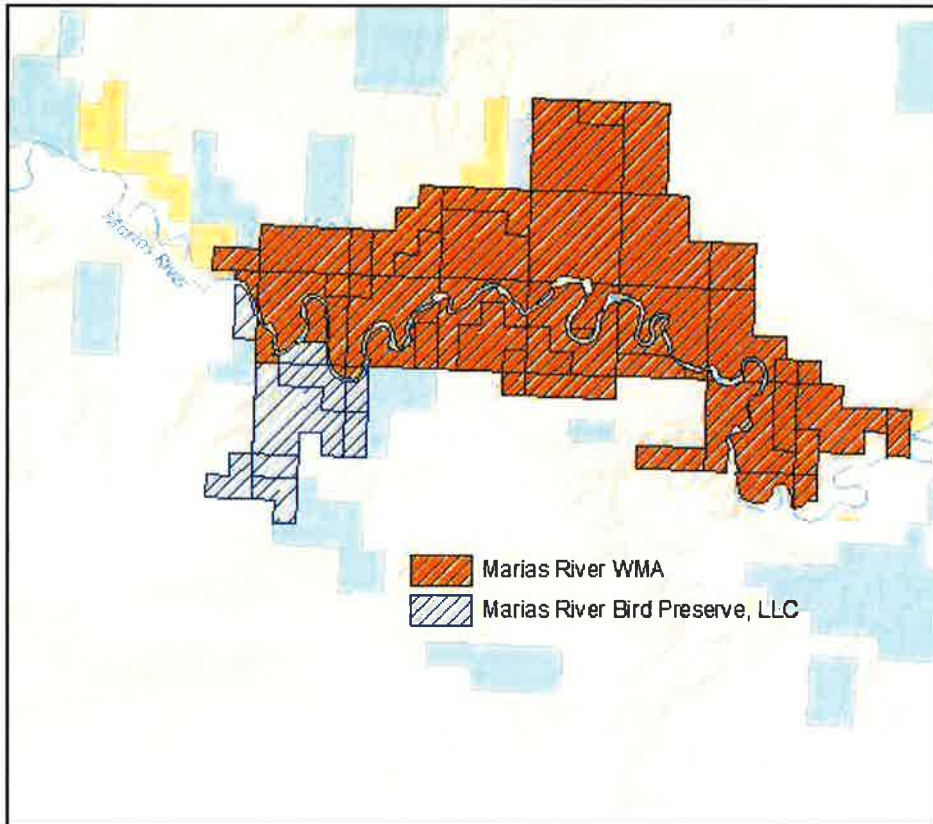
Decision Notice Published: mid-September

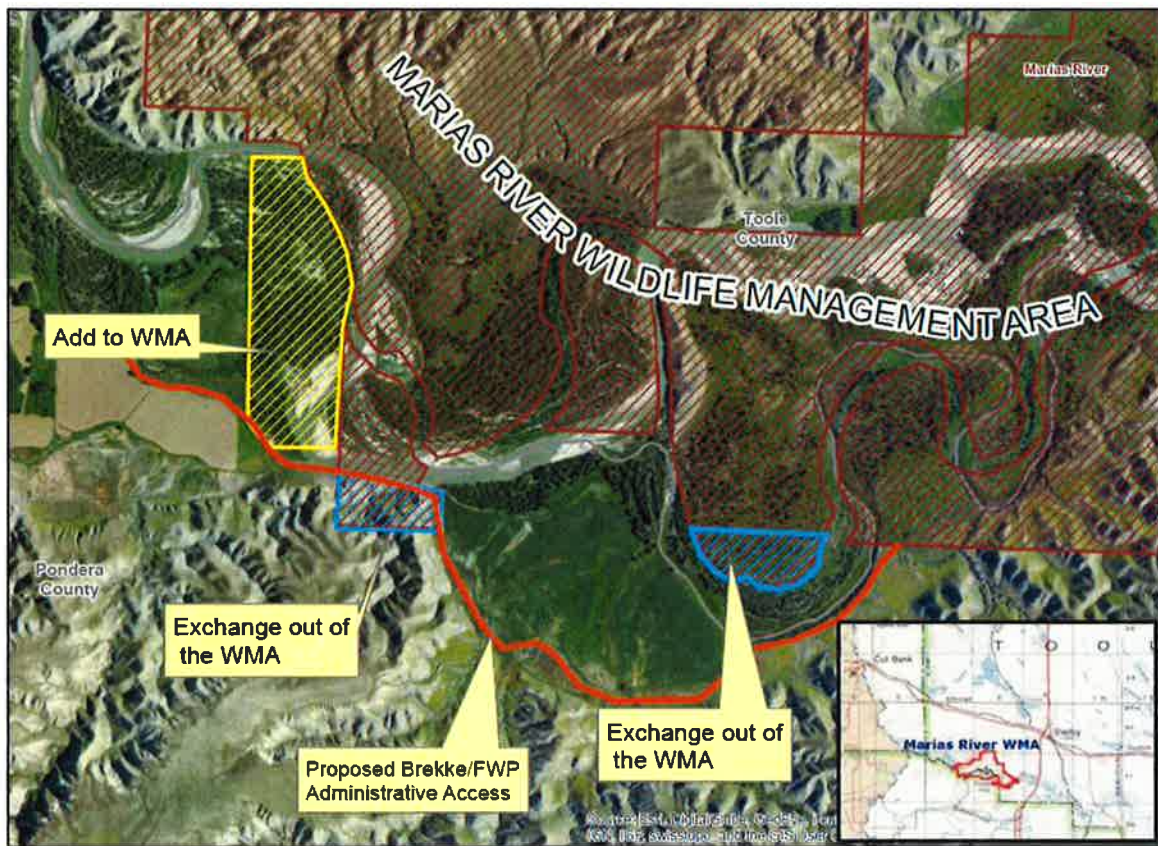
Reviewed by FWP Fish and Wildlife Commission: October 2014

5. Locations affected by proposed action:

MRWMA is located in FWP Administrative Region 4 and straddles the Marias River in Pondera and Toole Counties. The target parcels are located in the southwestern area of the WMA. The MRWMA is approximately 9 miles southwest of Shelby Montana.

Figures 1 and 2. Location Maps of Maria River WMA





Parcels to be transferred to the Preserve:

- Parcel #1: "Black Bank", that portion of the MRWMA south of the Marias River, including the road access, approximately 20 acres. Govt. Lot 11 (south ½) in Pondera County, S14 T31N R4W;
- Parcel #2: An approximate 10.2 acre parcel as Govt. Lot 1, S23 T31N R4W and an approximate 5.7 acre parcel as Govt. Lot 2, S24 T31N R4W both in Toole County.

Parcels transfer to FWP and location of the access right:

- An approximate 76.7 acre parcel as a portion of the E1/2 of NE1/4, S15 T31N R4W in Pondera County;
- A perpetual road easement to include a perpetual 60-foot road access across the Black Bank and further across the Preserve's deeded land in portions of S23 and S24 terminating at the Montana Department of Natural Resources and Conservation (DNRC) property boundary of S24, T31N R4W. Stated purpose of the road easement would be for agricultural and management purposes only. No public access is included or implied.

6. Estimated project size:

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>0</u>	(e) Productive:	
		Irrigated cropland	<u>0</u>
(b) Open Space/ Woodlands/Recreation	<u>20</u>	Dry cropland	<u>5</u>
		Forestry	<u>0</u>
(c) Wetlands/Riparian Areas	<u>92</u>	Rangeland	<u>0</u>
		Other	<u>0</u>

8. Permits, Funding & Overlapping Jurisdiction.

(a) **Permits:** none required

(b) **Funding:** none required

(c) **Other Overlapping Jurisdictional Responsibilities:**

<u>Agency Name:</u>	<u>Type of Responsibility</u>
FWP Fish & Wildlife Commission	purchase approval
Montana State Land Board	purchase approval
State Historic Preservation Office	cultural & historic resources
Pondera County Weed District	weed inventory

9. Narrative summary of the proposed action:

General Description of MRWMA

FWP acquired the MRWMA in 2008 from the estate of Charlie Lincoln. The WMA incorporates a variety of habitats supporting numerous game and non-game species, fourteen miles of the Marias River still in a natural free flowing state with a variety of native and sport fish species, unique geological and cultural resources, and recreational potential for diverse users groups. The WMA is open to the public from April 1 through January 15th for primitive camping, hiking, horseback riding, wildlife viewing, hunting, photography, and fishing. The WMA is closed during the winter to protect wildlife and their habitat.

The WMA is closed to motorized vehicles and parking areas for visitors are accessible via Hjartarsen Road along is northern boundary. There are no public access points to the areas of the WMA south of the river, except by drift boat, canoes, or other non-motorized watercraft.

Currently, the MRWMA provides habitat for at least 200 white-tailed deer, 200 mule deer, abundant pheasant, sharp-tailed grouse, Hungarian partridge, and wild turkeys. The riparian vegetation community may provide nesting, resting, and foraging habitat for up to 134 native species of birds. Grizzly bears have been observed using and moving through the WMA in the spring and fall. FWP grizzly bear biologist, Mike Madel, estimates 4-5 grizzlies use the WMA's

river corridor because it provides good habitat and food resources for the bears (pers. communication 6/27/14).

The Marias River is a naturally functioning, unregulated river that is inhabited by both cool and cold-water fish species. Sport fish present include burbot, northern pike, yellow perch, rainbow trout, brown trout, channel catfish, and walleye. Numerous non-game species known to be present include various minnow species, sculpin, longnose sucker, and white sucker. The river's riparian areas host numerous shorebirds, songbirds, waterfowl and amphibians, including the plains spadefoot and Great Plains toad.

Features of the FWP Properties to be Exchanged:

The two parcels of the WMA to be exchanged encompass approximately 15.9 acres of riparian habitat and 20 acres of shrub grasslands/uplands. Parcel #1 includes Black Back which is south of the river and encompasses mainly shrub grasslands/uplands. Parcel #2 is along an old oxbow of the river on the south side of the river's current path. This parcel included both riparian and shrub grassland areas. Neither parcel is fenced.

Features of the Preserve Property to be Exchanged:

The 76.6 acres proposed to be acquired by FWP is an extension of the Marias River riparian habitat under FWP management and is very high quality with a mature stand of cottonwoods, intermixed with willow, buffaloberry, woods rose, silverberry, and other shrubs that surround the free flowing Marias River. There is a small, (5 acre) field that once was tilled. There are some areas of this parcel with infestation of noxious weeds, including Russian knapweed and leafy spurge.

In 2008, the Marias River Stream Corridor Assessment was completed of natural and man-made resources within the corridor. The riparian and physical condition of the stream corridor was visually appraised by assessing functional condition at multiple sites along the Marias River and Pondera Coulee. The procedure provided a systematic evaluation of channel condition, hydrologic alterations, streambank stability, and riparian health. In the assessment, the riparian area at Willow Rounds, which is very near the location of the Preserve's parcel, was scored a 68 out of 100 based, reflecting heavier livestock use along the river (Kellogg 2008).

There no public access to or public hunting on the Preserve parcel. The parcel's western boundary is fenced.

10. Description and analysis of reasonable alternatives:

Alternative A: No Action

Under the No Action Alternative, the exchange of properties between FWP and the Preserve would not occur.

The two FWP-owned parcels would remain part of the MRWMA and open to public recreation accessible by the river. The owners of the Preserve would likely continue to allow administrative

access through their property to the parcels for FWP staff. Both parcels would remain undeveloped for the benefit of wildlife species.

The Preserve would continue to use their parcel for agricultural and livestock activities, as they have done in previous years. The riparian areas would likely continue to be affected by livestock use accessing the river and using shaded areas. FWP would likely continue to allow the Preserve administrative access through the Black Back parcel so that the owners of the Preserve can directly access their property.

Alternative B: Proposed Action

For FWP, the proposed acquisition of 76.7 acres is immediately adjacent to the Marias River WMA and includes riparian habitat of mature cottonwoods, willow, buffalo berry, and other shrubs that are important to numerous mammals, amphibians, and bird species for cover, nesting, and forage. The proposed exchange would result in a net increase of 40.8 acres of intact riparian habitat to the WMA, as well as a secure access route to the WMA's southern portion for administrative duties.

Similar to the primary area of the WMA, the acquired parcel would be open to hiking, horseback riding, wildlife viewing, primitive camping, and hunting as allowed under FWP hunting regulations. Keeping with public access to WMA, the property would be open to walk-in access from April 1 through January 15. Primary public access to the WMA would continue to be through the access points on the north side of the WMA along Hjartarson Road.

Acquisition of this property would be consistent with the goals of FWP's 2005 Montana Comprehensive Fish & Wildlife Conservation Strategy (CFWCS) to conserve two of Montana's Community Types of Greatest Conservation Need: riparian and wetland and mixed broadleaf. Riparian and wetland communities support the highest concentration of plants and animals in Montana. In Montana, riparian habitats provide breeding and nesting areas for at least 134 (55%) of Montana's 245 species of breeding birds, as well as much-needed food and resting areas for migrating birds. There are 17 Tier I Species of Greatest Conservation Need that rely on riparian and wetland habitat for breeding and/or survival.

For the Preserve, the exchange would provide a direct connection to their properties by way of their existing access agreement with another neighboring landowner.

11. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

The conservation and protection of threatened and endangered species, such as the grizzly bear, are under the jurisdiction of the US Fish and Wildlife Service under the 1973 Endangered Species Act.

Also see 8 (c).

PART II. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X				
c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

FWP's proposed acquisition of 77 acres along the Marias River would likely offer positive impacts to soil stability due to the intent to avoid disturbances to the land resources through the WMA's current management and that the area would be for walk-in recreation only. No changes are anticipated that would alter soil stability, unique geologic or physical features, or expose people or property to a variety of ground failures.

The 36 acres being transferred in to private ownership would be maintained as open space, thus no impacts are expected to existing soils, geologic features, or erosion patterns.

Subsurface Resources:

FWP has contracted with a third-party to complete a mineral remoteness evaluation which is expected to be completed prior to the end of the public comment period. The evaluation would determine the likelihood of subsurface resources that have extraction potential.

Mineral rights would be exchanged between the parties in-like kind if mineral rights are attached to the Preserve's parcel. At the time of this assessment, it is no known if that parcel retains its mineral rights.

2. <u>AIR</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				

d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regulations? (Also see 2a.)		X				

The ambient air quality of the parcels would not change if the proposed property exchange were approved since motorized access to and into the parcels would continue to be prohibited and no development activities on the parcels are planned by either party. Access to the new WMA addition by use of the access agreement would be restricted to FWP staff for administrative activities. The public's access to the addition would be by watercraft or crossing the Marias River.

3. <u>WATER</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				3i
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		X				3l
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		X				

The proposed property exchange would have no effect on existing quality, quantity or flooding of natural surface waters or groundwater.

3i. A search of the Montana Department of Natural Resources and Conservation water rights database did not locate any water rights (active or expired) associated with FWP's parcels that will be exchanged.

The database search did show there are six recorded water rights associated to the parcel the Preserve will be exchanging. Purposes of the water rights are described as stock, irrigation, and power generation. Additional research is necessary to determine if FWP would be receiving the entire water right or a portion of a right, especially for those used for watering cattle.

31. Presently, the Marias River in the project area has not been mapped by the Federal Emergency Management Agency, thus there are no floodplain maps available (pers. com. Mike Miles, DNRC Water Resource Specialist, Havre MT. 6/30/14). The proposed acquisition would likely not impact a designated floodplain since the configuration of the existing shoreline would be disturbed and no developments along the shoreline are proposed by either party as a consequence of the property exchange.

4. <u>VEGETATION</u> Will the proposed action result in?	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?		X				4a
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c
d. Reduction in acreage or productivity of any agricultural land?		X				4d
e. Establishment or spread of noxious weeds?					Y	4e
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		X				4f

4a. The proposed acquisition of the 77-acre parcel by FWP is expected to have a positive impact on existing vegetation under the WMA's management philosophy in that native plants would be protected from disturbances, noxious weed would be controlled, and the habitat would be maintained for the benefit of species. The small 5-acre tilled portion of the parcel may be reseeded to natural vegetation or food plots may be established in the future.

The diversity and abundance of vegetation on the two parcels to pass into private ownership are not expected to change since they would remain areas of open space.

4c. A search of the Montana Natural Heritage Species of Concern database reported there are no observations of sensitive plant species (threatened, endangered, or state species of concern) within the target parcels.

4d. There is a 5-acre plot within the parcel to be exchanged to FWP that historical has been used for agricultural crops but it is not in use at this time.

4e. The proposed addition to MRWMA would be managed as part of the WMA and would be under the same weed control plan as the WMA. Presently, there are small infestations of Russian knapweed and leafy spurge. If the exchange is approved, FWP would initiate the FWP's Statewide Integrated Noxious Weed Management Plan using an integrated approach to control noxious weeds on the property by using chemical and biological methods. The implementation of these weed management methods at the property would be reviewed by the Toole County Weed District.

4f. FWP anticipates the proposed acquisition of 77 acres of riparian and shrub/grassland habitat would further contribute to the protection of one of the remaining undeveloped river corridors for the benefit of a variety of wildlife species. This area is important to conserve because agricultural development of river bottom riparian habitat is increasingly intensive along the Marias River. Most, if not all of the Marias River riparian area both upstream and downstream is grazed at various intensities or in agricultural production.

5. <u>FISH/WILDLIFE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				5a
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				5e
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X			Y	5g
h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		X				5h
i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				

5a. The proposed property exchange would not impact fish or wildlife habitat. The acquisition of the 77-acre riparian parcel by FWP would protect a location where grizzly bear cross the Maria River when using the river corridor and would protect valuable habitat used for nesting and forage by a multitude of bird and small mammal species.

5e. The proposed property exchange would not create a barrier to the migration or movement of wildlife. Boundary fencing currently exists around the parcel to be exchanged to FWP that wildlife currently navigates around or through. There are no fences in or around the two parcels being exchanged to the Preserve.

5f/h. The proposed property exchange may have a positive impact on grizzly bears that use the river corridor in that the addition of 77 acres to MRWMA would be protected. Other game and nongame species would also benefit by the protection of riparian habitats for forage, nesting, and general habitat. The project property would be managed under the current MRWMA Management Plan that balances the needs of wildlife with public access. Allowable recreational activities on the property would be consistent with the management of the WMA for the conservation and protection of wildlife.

5g. The target property would be managed under the guidance of the MRWMA Management Plan (2008). As such, hunting of game species would be permitted on the property as it does within the WMA. The proposed property exchange is not expected to increase conditions that stress wildlife populations since limited hunting was permitted under previous ownership. Hunter harvest of game animals does not limit the abundance of game animals because season structures and bag limits are set at sustainable levels to maintain wildlife populations annually by FWP's Fish and Wildlife Commission.

Additionally, the proposed property exchange is not expected to increase the probability of game damage to neighboring landowners. Current adjacent landowners are tolerant of wildlife presence. Game damage to haystacks upriver has occurred. Protection of haystacks through fencing is currently being pursued.

B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?		X				
b. Exposure of people to serve or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

The proposed property exchange would not increase noise above levels currently experienced in the area. Access to the FWP WMA addition would be walk-in only with no motorize access to the parcel and by permission only for the Preserves new parcels.

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				7a
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				

No changes are anticipated in the current use of the parcels. All the parcels involved in the property exchange are considered open space with the exception of the small 5-acre plot that had been tilled in the past within the parcel to be transferred to FWP. The parcels would continue to be undisturbed by any development or agricultural activities.

Management of 77-acre parcel would be absorbed into the existing MRWMA, thus no conflicts are anticipated due to similar existing management on these adjacent lands. FWP would continue to work to manage use on the WMA in ways that minimizes conflicts with neighboring landowners.

8. <u>RISK/HEALTH HAZARDS</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		Y	8a
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				

c. Creation of any human health hazard or potential hazard?		X				
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)			X		Y	8d

No human health hazards are anticipated by the proposed property exchange.

8a/d. If the exchange is approved, FWP would implement an integrated method of managing existing and new noxious weeds on the WMA addition. The use of herbicides would be in compliance with application guidelines and conducted by people trained in safe application techniques. Weeds may also be controlled using mechanical or biological means in certain areas to reduce the risk of chemical spills or water contamination.

9. <u>COMMUNITY IMPACT</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				

The property exchange would have no effect on local communities, increase traffic hazards, or alter the distribution of population in the area.

10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				10a
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				10b
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				10c
d. Will the proposed action result in increased use of any energy source?		X				10d

e. Define projected revenue sources		X				
f. Define projected maintenance costs.						10f

10a/c/d. The proposed property exchange would have no impact on public services or utilities since no development is planned by either party to their respective new parcels.

Minimal services would be needed beyond what FWP staff is currently providing at MRWMA to supervise and maintain the addition. FWP would be responsible for the following: site maintenance, weed control in cooperation with Toole County Weed District, fish & wildlife law enforcement, and litter pick up on the site. FWP enforcement staff currently patrol the existing WMA and would also patrol the additional land and continue to cooperate with local law enforcement as necessary.

10b. There would be no net change in tax payments to Pondera or Toole Counties.

FWP is required by law to pay taxes in an amount equal to that of a private individual. FWP currently makes property tax payments to Pondera and Toole Counties for fee title lands that are designated as the MRWMA. In 2012, FWP paid \$802.02 to Pondera County and \$4277.77 to Toole County. The amount paid to Pondera County would increase slightly as there would be a net increase in FWP held lands in Pondera County. Likewise, the amount paid to Toole County would decrease slightly as there would be a net decrease in FWP held lands in that county. In general however, tax revenues to both Pondera and Toole counties will likely remain unchanged. Likewise, the Preserve would continue to pay property taxes to Pondera County as they have done in the past. With the exchange, that amount would slight decrease due to net decrease of lands owned within that county but the tax payment to Toole County would increase.

10f. Initial costs to maintain this property would be minimal and any ongoing costs would be covered by the WMA's existing operating budget. In an effort to educate the public of acceptable and prohibited uses on the property, FWP would install boundary signs as soon as possible if the acquisition were approved.

11. <u>AESTHETICS/RECREATION</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings?		X				11c
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		X				

11c. Some minor changes in recreational use of the target parcels may occur. The proposed property exchange is expected to increase hunter and perhaps fisher days at the WMA.

The riparian and shrub grassland habitats on the proposed land exchange would provide opportunities for wildlife viewing, photography, and nature study. This area would likely see fewer than 20 recreation days per year. However, the increase in recreation days is difficult to anticipate as well.

The area of the WMA, both current and new, would continue to be only accessible from the river.

12. <u>CULTURAL/HISTORICAL RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Destruction or alteration of any site, structure or object of prehistoric historic or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		X				12d

Local knowledge of the MRWMA does acknowledge the Blackfeet Indians use of the area for wintering sites in historic times. Tipi rings can be found on the bluffs above the river in the vicinity of the target parcels. Additionally, Meriwether Lewis crossed the Marias River in the area while fleeing the Blackfeet in 1806.

A file search at the State Historic Preservation Office (SHPO) found there were no known recorded historic sites within parcel to be transferred to FWP nor were there any recorded historic sites located within the parcels to be transferred to private ownership. SHPO believes there is a low likelihood cultural properties will be impacted by the proposed acquisition as long as there will be no new ground disturbance or alteration to structures over fifty years. Therefore, SHPO feels that a recommendation for a cultural resource inventory is unwarranted at this time. However, if cultural materials be inadvertently discovered, SHPO requests to be contacted so that the site can be investigated. See Appendix A for the SHPO determination letter.

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
Will the proposed action, considered as a whole:						
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				13a
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		X				13f
g. For P-R/D-J, list any federal or state permits required.		X				

13a. The proposed property exchange would have no significant cumulative effects on the physical and human environments. Rather, property exchange would be a positive contribution to the habitat conservation efforts along the Marias River corridor. The protection of additional riparian acres would provide expand connectivity between habitats on the south and north sides of the river for numerous species, as well as the conservation of important vegetation communities that provides forage and cover for grizzly bears and numerous other species.

13f. No public controversy is expected to be generated by the proposed acquisition.

PART III. NARRATIVE EVALUATION AND COMMENT

The proposed acquisition would allow FWP to conserve wildlife habitat and provide public access to hunters and recreationists in perpetuity. Important seasonal habitat for the grizzly bear would be protected, as well as important winter range for white-tailed and mule deer.

PART IV. PUBLIC PARTICIPATION

1. Public involvement:

The public would be notified in the following manners to comment on this current EA:

- Two public notices in each of these papers: *Great Falls Tribune*, *Choteau Acantha*, *The Valerian*, and *Shelby Promoter*;
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.

Copies of this environmental assessment will be distributed to the neighboring landowners and interested parties to ensure their knowledge of the proposed project.

2. Duration of comment period:

The public comment period will extend for (30) thirty days following the publication of the second legal notice in area newspapers. Written comments will be accepted until 5:00 p.m., September 5, 2014 and can be mailed or emailed to the addresses below:

Marias River WMA Property Exchange
Montana Fish, Wildlife & Parks
514 S Front St., Suite C
Conrad, MT 59425 or rtauscher.fwp@gmail.com

PART V. EA PREPARATION

1. Based on the significance criteria evaluated in this EA, is an EIS required? No If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.

No, an EIS is not required. Based on an evaluation of the primary, secondary, and cumulative impacts to the physical and human environment, no significant impacts from the proposed land acquisition were identified. In determining the significance of the impacts of the proposed project, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur. FWP assessed the importance to the state and to society of the environmental resource or value affected; any precedent that would be set as a result of an impact of the proposed action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws.

As this EA revealed no significant impacts from the proposed actions, an EA is the appropriate level of review and an EIS is not required.

2. Persons responsible for preparing the EA:

Rebecca Cooper, FWP MEPA Coordinator, Helena MT

Ryan Rauscher, FWP Wildlife Biologist, Conrad MT

3. List of agencies or offices consulted during preparation of the EA:

Montana Department of Natural Resources and Conservation, Havre MT

Montana Fish, Wildlife & Parks:

Fisheries, Choteau MT

Lands, Helena MT

Wildlife, Choteau and Conrad MT

Montana Natural Heritage Program, Helena MT

Montana State Historic Preservation Office, Helena MT

Citations

Kellogg, Warren. 2008. Marias River Stream Corridor Assessment (Bear River: Kai'yo Isisakta).
USDA Natural Resources Conservation Service. Helena MT

Montana Fish, Wildlife and Parks. 2005. Montana's Comprehensive Fish & Wildlife
Conservation Strategy. Helena MT

APPENDIX A

SHPO Determination



June 16, 2014

Rebecca Cooper
FWP
1420 E. 6th Ave
Helena MT 59601

RE: MARIAS RIVER WMA LAND EXCHANGE, PONDERA CO. SHPO Project #:
2014061308

Dear Rebecca:

I have conducted a cultural resource file search for the above-cited project located in Sections 14, 15, 24, T31N R4W. According to our records there have been no previously recorded sites within the designated search locales. The absence of cultural properties in the area does not mean that they do not exist but rather may reflect the absence of any previous cultural resource inventory in the area, as our records indicated none.

It is SHPO's position that any structure over fifty years of age is considered historic and is potentially eligible for listing on the National Register of Historic Places. If any structures are to be altered and are over fifty years old we would recommend that they be recorded and a determination of their eligibility be made.

As long as there will be no new ground disturbance or alteration to structures over fifty years of age we feel that there is a low likelihood cultural properties will be impacted. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should structures need to be altered or if cultural materials be inadvertently discovered during this project we would ask that our office be contacted and the site investigated.

If you have any further questions or comments you may contact me at (406) 444-7767 or by e-mail at dmurdo@mt.gov. I have attached an invoice for the file search. Thank you for consulting with us.

Sincerely,

Damon Murdo
Cultural Records Manager
State Historic Preservation Office

File: FWP/WILDLIFE/2014